

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION**

CRIMINAL NO. 4:96CR53

UNITED STATES OF AMERICA

VS.

OWEN ODMAN

)
)
)
)
)
)
)
)
)

ORDER

THIS MATTER is before the Court on Defendant's *pro se* motion for relief from the prefiling injunction imposed herein.

In denying the Defendant's motion to vacate, set aside, or correct judgment pursuant to 28 U.S.C. § 2255, the Court also imposed a prefiling injunction against the Defendant due to the numerous lengthy and vexatious motions he had submitted prior to that time. **See Memorandum and Order, filed December 12, 2005, at 36-37.** Defendant appealed the ruling; thereafter, the Fourth Circuit denied him a certificate of appealability and dismissed the appeal on July 27, 2006. ***United States v. Odman*, 191 F. App'x 247 (4th Cir. 2006).**

Defendant now requests the Court to lift the prefiling injunction so that he may file a motion pursuant to 18 U.S.C. § 3582(c)(2) based upon the recent amendments to the Sentencing Guidelines with respect to offenses involving crack cocaine. Defendant was convicted of conspiracy to distribute and possession with intent to distribute cocaine and cocaine base and received a 360 month term of imprisonment. **See Judgment in a Criminal Case, filed August 6, 2001.** Therefore, it appears the Defendant may be entitled to relief pursuant to those amendments. Therefore, the prefiling injunction will be lifted to permit Defendant to file a motion seeking such relief.

IT IS, THEREFORE, ORDERED that the Defendant's motion for relief from the prefiling injunction is **GRANTED IN PART**, and Defendant is permitted to file a motion seeking relief pursuant to 18 U.S.C. § 3582(c)(2) as such relief pertains to the recent amendments to the Sentencing Guidelines regarding crack cocaine sentences.

IT IS FURTHER ORDERED that the Defendant's motion for relief from the prefiling injunction is **DENIED** as to the filing of any other type of motion or pleading not specifically allowed herein without permission of the Court.

Signed: March 13, 2008

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

